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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,026	01/15/2002	Astrid Mathilda Ferdinanda Dobbelaar	PHNL 010036	5695
24737 7590 05/04/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER VIG, NARESH	
			ART UNIT	PAPER NUMBER
			3629	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/047,026

Applicant(s)DOBBELAAR, ASTRID MATHILDA
FERDINANDA**Examiner**

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1 – 11 in the reply filed on 21 February 2007 is acknowledged.

Response to Arguments

Applicant's arguments and concerns are for amended claims which have been responded to in response to the pending claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 – 5 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 1, beginning line 7, applicant recites

the limitation "wherein the facilitating device is different from a content provider of the content item". Applicant has not positively disclosed whether the first user provides the content to the facilitating device, or, facilitating devices retrieves the content from the content provider using the identifier for the content provider provided by the first user, or, there is a third party that owns the content. In the specification originally filed 15 January 2002, applicant teaches first user device only having partial content. There is no teaching of facilitating device retrieving all the content from a remote device, or, receiving partial content from the first user and rest of the content from some other content providing source to generate the content for the second user.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 5 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being vague and failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, beginning line 7, applicant recites the limitation "wherein the facilitating device is different from a content provider of the content item". Applicant has not positively claimed whether the first user provides the content to the facilitating device, or, facilitating devices retrieves the content from the content provider using the identifier for the content provider provided by the first user, or, there is a third party that owns the content.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over archived web pages of www.egreetings.com hereinafter known as eGreetings in view of Financial Statement of eGreetings which teaches that company's website allows consumers to send personalized content-rich digital greeting cards and wide variety of gifts and a preferred stockholder provides a significant portion of the Company's digital greetings content (reference provided with office action mailed 16 August 2006).

Regarding claims 1, 6, 10 and 11, eGreetings teaches system, method and computer program (eGreetings provide access to users over the internet) for facilitating the sharing of a content item (electronic greeting cards which can be sent via email [page 5], comprising

a first user device (sender)

a facilitating device (eGreetings website)

a second user device (recipient)

the first user device comprising selecting means for obtaining an identifier for the content item (type of greeting card, text message etc.) [page 5-11]

an identifier for the second user device [page 5]

transmitting means for transmitting the identifier for the content item and the identifier for the second user device to the facilitating device [page 5-11]

the facilitating device comprising

receiving means for receiving from the first user device the identifier for the content item and the identifier for the second user device (inherent that eGreetings receives information provided by first user) [page 5]

generating means for generating a representation for the content item (inherent that eGreetings generates greetings for electronically delivering to the intended recipient) [page 5]

retransmitting means for transmitting the representation to the second user device (inherent that received information like user message is transmitted to the intended recipient).

eGreetings does not explicitly teach facilitating device is different from a content provider of the content item. As best understood by examiner, eGreetings in view of Financial Statement of eGreetings teaches concept of facilitating device is different from a content provider of the content item (a preferred stockholder provides a significant portion of the Company's digital greetings content) [Financial Statement of eGreetings, page 3].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that eGreetings in view of Financial Statement of eGreetings teaches concept wherein facilitating device is different from a content

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provider of the content item to be able to provide wide choices of available electronic greeting cards to their users.

EGreetings in view of Financial Statement of eGreetings teaches concept wherein representation for the content item is different from the content item (content item presented to second user contains message from first user)

Regarding claim 2, as responded to earlier in response to claim 1, eGreetings in view of Financial Statement of eGreetings teaches a facilitating device for use in the arrangement (eGreeting web server), the facilitating device comprising receiving means for receiving from a first user device an identifier for the content item and an identifier for a second user device, generating means for generating a representation for the content item, and transmitting means for transmitting the representation to the second user device.

Regarding claims 3 and 7, eGreetings in view of Financial Statement of eGreetings teaches electronic payment receiving means for receiving an electronic payment from the first user device [page 5].

Regarding claims 4 and 9, eGreetings in view of Financial Statement of eGreetings teaches generating at least one reference to a further content item related to the content item (music from plurality of artists with the greeting card) [page 7], and, generating means are arranged for adding the at least one reference to the

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representation (inherent that eGreetings has means and method for identifying for example music which is incorporated with the greeting card).

Regarding claim 5, eGreetings in view of Financial Statement of eGreetings teaches a first user device (sender device) for an identifier for the content item [page 5-11] and an identifier for a second user device [page 5], and transmitting means for transmitting the identifier for the content item and the identifier for the second user device to a facilitating device (inherent that information provided by sender on sender system is transmitted to eGreetings website over transmitting means).

Regarding claim 8, as responded to earlier in response to claim 6, eGreetings in view of Financial Statement of eGreetings teaches capability wherein representation is a promotional message for the content item (inherent that eGreeting is capable of receiving promotional message from sender as a message for the electronic greeting card, applicant is claiming the text provided by a sender as a message to the intended recipient as their invention) [page 5].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

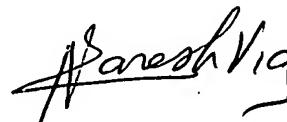
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Naresh Vig", with a stylized flourish at the end.

Naresh Vig
Examiner
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April 26, 2007